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OFFICE OF THE COMMISSIONER

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BOB MARTIN
Commissioner

March 30, 2016

The Honorable Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, New York 10007-1866

RE: Withdrawal of the "Good Neighbor" Transport Portion of the Infrastructure
SIP for the 2008 Ozone National Ambient Air Quality Standard

Dear Administrator Enck:

The purpose of this letter is to advise you that New Jersey is hereby withdrawing the interstate transport element (also known as the "Good Neighbor" provision) of our Multi-pollutant Infrastructure SIP as it relates to the 2008 ozone standard of 75 ppb.¹

During the time since DEP submitted its Infrastructure SIP in 2014, EPA has proposed the Cross State Air Pollution Rule (CSAPR) Update to address transport by 2017 and to act as a Federal Implementation Plan (FIP) to assist impacted downwind states in meeting the 2008, 75 ppb ozone National Ambient Air Quality Standard (NAAQS). Due to the current rules implemented by New Jersey to address transport, we anticipate we will meet the caps contained in the FIP.

New Jersey is withdrawing the transport portion of our Infrastructure SIP as it relates to the 2008 ozone NAAQS in order not to delay EPA's ability to implement the FIP on those upwind states that are significantly contributing to ozone levels in New Jersey and the other states within our shared ozone nonattainment areas. New Jersey's decision to withdraw the infrastructure SIP is based on EPA fully implementing the FIP this year. While we understand this to be EPA's intention, changes from proposal to final adoption are common. If EPA fails to fully implement the FIP as proposed or if EPA relaxes the final FIP to be less stringent than New Jersey's plan, we reserve the right to resubmit our original infrastructure SIP.

As you know, New Jersey has repeatedly identified the need for EPA to take action to reduce the impact of upwind sources on downwind neighbors, and the CSAPR Update is a step in that direction. However, it is only a partial solution for an eight-year-old standard. For the past two decades, New Jersey has addressed ozone transport by aggressively cutting emissions of ozone

¹ The State of New Jersey Department of Environmental Protection (NJDEP), State Implementation Plan (SIP) Revision Sections 110(a)(1) and 110 (a)(2) for the Lead, Sulfur Dioxide, Nitrogen Dioxide, Ozone, PM2.5 and PM10, and Carbon Monoxide National Ambient Air Quality Standards and Regional Haze, September 2014.

precursors from stationary, mobile and area sources. Despite these efforts, ozone transport continues to significantly contribute to air quality issues in New Jersey. Reducing ozone transport from upwind states is even more critical as EPA looks to implement the more protective 70 ppb ozone standard.

Because significant amounts of air pollution are being transported into nonattainment areas from upwind states, EPA should continue to rely on the Good Neighbor provision of the federal Clean Air Act (Section 110(a)(2)(D)(i)(I)). This would provide fairness to states like New Jersey, whose upwind neighbors have not taken the steps we have to reduce emissions. The significant gap between emission reductions achieved by the upwind states and New Jersey's nonattainment areas puts an unfair and undue burden on New Jersey's nonattainment areas to achieve additional emissions reductions, when much less costly measures are available upwind. The result of the disparity is continued compromised air quality downwind and economic disadvantages to the nonattainment areas.

If you have any questions regarding this letter, please contact our Director of the Division of Air Quality, Frank Steitz, at (609) 633-8220.

Sincerely,



Bob Martin
Commissioner

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